

## REMARKS

Claim 37 is cancelled by this amendment and Claim 40 is added by this amendment. Claims 1-2, 3-36, and 38-40 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Applicant thanks the Examiner for the interview granted on October 31, 2005. During the interview, the meaning of monolithic was discussed.

New Claim 40 recites, "a linkage mechanism movably attached to the femoral component and moveably attached to the tibial component to allow relative movement between each of the femoral component, the tibial component, and the linkage mechanism." None of the cited art teaches or fairly suggests a linkage mechanism interconnecting a femoral component and a tibial component wherein each can move relative to one another. Therefore, new Claim 40 is also in condition for allowance.

The Applicant notes that U.S. Pat. No. 5,002,574 was indicated in the Advisory Action mailed October 24, 2005, but it has not been cited in a PTO-892 form. Though the Applicant has not cited the same in a Form-1449 and IDS because the Applicant does not submit that such a reference is material to the patentability of any of the presently pending Claims, the Applicant does request that the Examiner cited the same in a PTO-892 form to show that it has been considered by the Examiner.

## REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 2, 4-23, 26, 27, 30-33, 35-37 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moulin, (FR 2 734 709 A1): Figures 29-31. Claims 28,

29 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moulin, FR 2 734 709 A1. These rejections are respectfully traversed.

The inclusion of the term “monolithic” is not intended to limit the claims to anything relating to stone, rock, crystal or the like. In particular, it is generally understood that monolithic can refer to something that includes no joints or seams, constituting a single non-joined unit. Further, the Applicant has included the definition of “monolithic” from page 753 of the Merriam-Webster’s Collegiate Dictionary 10<sup>th</sup> Edition that further supports an interpretation of the term monolithic as not being limited to or relating to only rock, crystals, etc.

Independent Claim 1 recites “a tibial component having a tibial tray defining tibial bearing surface and a tibial bone engaging surface; a monolithic bearing member having a first bearing surface operable to articulate with said first femoral bearing surface, a second bearing surface operable to articulate with said second femoral bearing surface; . . . wherein said tibial tray is monolithic”. As discussed with the Examiner, the Applicant submits that Moulin does not teach or fairly suggest a monolithic bearing member and a monolithic tibial tray. The cited art does not teach or fairly suggest a monolithic bearing member and a monolithic tibial tray that bear on one another. The art does not teach each of the elements of Claim 1, including a single piece tibial tray, with or without, other modular portions. Therefore, independent Claim 1 and each of the claims that depend directly or indirectly therefrom are in condition for allowance.

Independent Claim 13 recites “a monolithic bearing member”. For reasons similar to the reasons advanced for allowing independent Claim 1, independent Claim

13 should also be in condition for allowance as should be each of the claims that depend directly or indirectly therefrom.

Independent Claim 23 recites “connecting the tibia prosthetic component to the femoral prosthetic component with a ball and socket linkage”. Moulin does not teach a ball and socket linkage between any components. In particular, the ball and socket linkage is not obvious in light of the connection taught in Moulin. While the connection in Moulin appears to be a pressure fit between a block and the component it is definitely not a ball and socket connection. The ball and socket connection, as presently recited, is not similar to any of the cited art because interconnects a femoral prosthetic component and a tibial prosthetic component to create an interconnection and interaction therebetween. The cited art does not teach or fairly suggest a ball and socket interconnection between these two prosthetic components.

Further, independent Claim 23 recites “the linkage in the bearing member operable to allow the femoral component to translate in the posterior direction and rotate during flexion of the joint.” Therefore, the Applicant submits that Moulin does not teach or suggest each of the elements of independent Claim 23. Accordingly, thus it is in condition for allowance as are each of the claims that depend directly or indirectly therefrom.

Further, the Applicant submits that, as recited in dependent Claim 28, a ball and socket connection is not disclosed or fairly suggested by the art of record. As discussed above, Moulin appears to simply disclose a compression element to hold an element in place and does not disclose a ball and socket connection for interconnecting various components. Further, the art of record does not teach or fairly suggest interconnecting

a tibial component and a femoral component to create an interconnection as recited in the present claims. Therefore, the Applicant requests that the Examiner reconsider the rejection of dependant Claim 28.

Independent Claim 32 recites “a femoral component . . . a tibia component . . . a linkage mechanism moveably interconnecting the intermediate area of said femoral component and the posterior area of said tibia component.” Moulin does not teach interconnecting an intermediate area of a femoral component with a posterior area of a tibial component. Therefore, Moulin does not teach or fairly suggest each of the elements of independent Claim 32. Therefore independent Claim 32 and each of the claims that depend directly or indirectly therefrom are in condition for allowance.

Independent Claim 37 has been cancelled, therefore the rejection thereto has been rendered moot.

#### **ALLOWABLE SUBJECT MATTER**

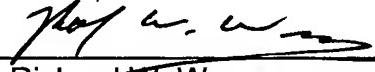
The Applicant thanks the Examiner for the indication of allowance of independent Claims 24 and 25. Further, Claim 38 has been amended into independent format to include each of the limitations of the claims from which it originally depended. Therefore, amended independent Claim 38 should be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Nov. 7, 2005

By:   
Richard W. Warner,  
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

SJF/RWW/MLT/jb